

SAFE DRINKING WATER ACT (SDWA)9-47. Administrative Penalty Actions Not to Exceed \$5,000

1. **AUTHORITY.** Pursuant to Section 1414(g)(3)(B) of the Safe Drinking Water Act, the authority to:
 - a. Assess an administrative penalty;
 - b. File a complaint under Section 1414(g)(3)(B) of the SDWA;
 - c. Conduct proceedings, recommend the form of the final Agency action, issue subpoenas and perform all the presiding-officer functions as set forth in applicable Agency guidance or regulations governing the administration of administrative penalty actions under the SDWA;
 - d. Represent the complainant before a presiding officer in an administrative penalty proceeding under the SDWA;
 - e. Issue a final order approving a consent agreement between the Agency and a respondent in an administrative penalty proceeding under the SDWA; and
 - f. Act as deciding official in a contested or default administrative penalty action and assess a penalty in such a proceeding.
2. **TO WHOM DELEGATED.**
 - a. The authority in 1.b. is delegated to the director, Enforcement and Compliance Assurance Division.
 - b. The authorities in 1.a., 1.c., and 1.f. are delegated to the regional judicial officer where a hearing on the record under 554 of title 5 has not been requested by respondent.
 - c. The authority in 1.d. is delegated to the regional counsel.
 - d. The authority in 1.e. is delegated to the regional judicial officer.
3. **LIMITATIONS.**
 - a. Representation of the complainant before a presiding officer in an administrative penalty proceeding under the SDWA shall only be by an Agency attorney.
 - b. Any official exercising authority 1.b shall obtain the prior concurrence of the regional counsel or designee.
 - c. The regional judicial officer may exercise the authority in 1.f. only if (1) the case was initiated in Region 8 and (2) such official or his designee provides the Environmental Appeals Board with a timely copy of the decision in a contested or a defaulted action so that there is an opportunity for a sua sponte review.
4. **REDELEGATION AUTHORITY.**
 - a. The authority in 1.b. may be redelegated to the branch chief level, or equivalent, and no further.

SAFE DRINKING WATER ACT (SDWA)9-47. Administrative Penalty Actions Not to Exceed \$5,000

- b. The authorities in 1.a., 1.c., 1.e., and 1.f. may not be redelegated other than to the regional judicial officer.
- c. The authority in 1.d. may be redelegated to any regional attorney.
- d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Section 1414 (g)(3)(B) of the SDWA, 42 U.S.C. Section 300g-3(g)(3)(B).
- b. 40 C.F.R. Part 22.



Gregory Sopkin
Regional Administrator



Date